

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEFFREY C. ZELL,	)	
RONNA SUE ZELL, his wife,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 06-250
	)	
FEDERAL INSURANCE COMPANY,	)	Judge McVerry
	)	Magistrate Judge Hay
Defendant.	)	

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FEDERAL INSURANCE COMPANY,	)
	)
Counter-Claimant,	)
	)
v.	)
	)
JEFFREY C. ZELL,	)
RONNA SUE ZELL,	)
	)
Counter-Defendants.	)

**ORDER**

AND NOW, this 27<sup>th</sup> day of June, 2007, after the plaintiffs, Jeffrey C. Zell and Ronna Sue Zell, filed an action in the above-captioned case, and after defendant, Federal Insurance Company, filed a Motion for Summary Judgment, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and after objections were filed by defendant, and a response to the objections was filed by plaintiff, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that defendant's Motion for Summary Judgment (Docket no. 20) is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

s/ Terrence F. McVerry  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

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